

REMARKS

In the Office Action mailed January 11, 2006, the Examiner rejected claims 1-20. By way of the foregoing amendments and the markings to show changes, Applicants have amended claims 1, 6, 9, 14, 18 canceled claims 7 and 10 and added new claims 21-23. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

I. Rejection under 35 USC 102/103

The Office Action rejected claims 1-20 as being anticipated by or obvious in view of one or more of the following references: Winckler et al. (US Patent No. 6,420,047); Gallucci et al (US Patent No. 5,596,049); Ladang et al (US 2002/0153633); and Tickart et al (US 2002/0082350). Without acquiescing in those rejections, Applicants have amended independent claims 1 and 18 and believe that claims 1 and 18 and their dependents are patentable over the references of record. Applicants specifically traverse the rejections of independent claims 12, 16 and 20 and their dependents. These claims, their amendments and traversal of their rejections are discussed in more detail below.

The Law

The MPEP sec. 2131 quotes Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053, (Fed. Cir. 1987) as reading, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claims 1 and 18

Applicants have amended both claims 1 and 18 to specify a "cross-linked network". Winckler et al. consistently discuss the formation of thermoplastics and, as such, teach away from the formation of a cross-linked network. Moreover, Applicants contend that Winckler et al do not disclose such a "cross-linked network" for the

molding compound formed and molded in accordance with the particular chemistry and other language of claims 1 and 18.

Claim 12

The Office Action suggests that claim 12 is anticipated by Winckler et al. The Office Action, at page 4, asserts that Winckler et al. teach, "applying the sheet molding compound to one or more plastic films ... formed of a polyester resin" and that "the sheet molding compound is integrated with the one or more plastic films in one or more pads..." Applicants contend, however, that this is not the case.

The Office Action points to Col. 27, line 19 of Winckler et al. for support for its assertion. At best, Col. 27, line 19 of Winckler et al. discusses the use of a polymer film in conjunction with processing of a suspension or slurry. The Office Action does not show that Winckler et al. disclose the use of the polymer film in conjunction with a sheet molding compound. Further, the Office Action does not show that Winckler et al. disclose the use of a polyester film. Further yet, the Office Action does not show that Winckler et al. disclose a polyester film used in conjunction with sheet molding compound wherein the polyester film is integrated with the sheet molding compound as a part upon molding. As such, Applicants contend that the Office Action has not established a *prima facie* case of anticipation against claim 12 of the present application and respectfully request that the rejection of claim 12 and its dependents be withdrawn.

Claim 13 and 16

The Office Action suggests that claims 13 and 16 are anticipated by Winckler et al. The Office Action, at page 4 and in discussing claims 13 and 16 reads:

Winckler discloses admixing into the molding compound, a low profile agent including a clay that is intercalated with a macrocyclic oligoester, wherein exfoliation of the clay during polymerization of the macrocyclic oligoester increase volume for offsetting shrinkage (Col 10 Line 52). Examiner notes that intercalation and exfoliation of the clay platelets in the polymer resin is inherently in Winckler's discussion of nanoclays increasing the modulus of the products. It is well known in the field of

nanocomposites that adding nanoclays and exfoliating the individual clay platelets will improve the material properties of a polymer including the modulus.

However, Winckler et al. do not disclose intercalation or exfoliation of nanoclay. Moreover, the bald assertion that such a disclosure is inherent based upon the conclusory statement that, "it is well known ... that adding nanoclays and exfoliating the ... platelets will improve ... the modulus" does not suggest that such intercalation and exfoliation are actually inherently disclosed within Winckler et al. as would be required for the asserted claim of anticipation. As such, Applicants respectfully request that the rejections of claims 13 and 16 and their dependents be withdrawn.

Claim 20

The Office Action suggests that claim 20 is anticipated by Winckler et al. The Office Action relies on Col. 32, line 54 to suggest that Winckler et al. show, as recited in claim 20:

- i) applying the reinforcement material to one or more plastic films; coating the one or more films and the reinforcement material with a supplemental reactive admixture in liquid form; and applying the reactive admixture to the one or more films;
- ii) applying the reactive admixture to the one or more plastic films; applying the reinforcement material to the admixture; and coating the reactive admixture and the reinforcement material with a supplemental reactive admixture in liquid form; or
- iii) a combination thereof;

However, nowhere in Winckler et al. do Applicants find the use of a supplemental liquid reactive admixture material in conjunction with the application of reinforcement material and/or a primary reactive admixture to plastic films. The particular section cited by the Office Action merely discusses fabric weave with a blend material spread over the surface. There is no mention of a plastic film or two separate reactive admixtures. As such, Applicants respectfully request that the rejection of claims 20 and its dependents be withdrawn.

Moreover, Applicants point out that it would likely be improper to present a final rejection of claims 12, 16 and 20 on a grounds alternative to that already presented since applicants have not amended claims 12, 16 and 20 in a manner, which would necessitate such alternative grounds. In particular, the MPEP reads:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee..." MPEP 706.07(a)

Thus, any new grounds of rejection, "that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee..." would be improper.

II. New Claims

Applicants have added new claims 21-23 to address various aspects of the present invention and believe that the new claims are patentable.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu

Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

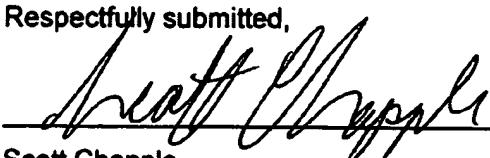
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 04-1512 for any fee which may be due.

Respectfully submitted,

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